Regd. No. M. 1175.

554

The Mysore Gazette

(SUPPLEMENTAL)

PUBLISHED BY AUTHORITY.

BANGALORE, THURSDAY, FEBRUARY 17, 1944.

CHIEF SECRETARIAT.

NOTIFICATION.

No. W. 1844—*W.* 156-43-5, *dated the 15th February* 1944.

In exercise of the powers conferred by sub-rule 2 of rule 81 of the Defence of India Rules, as in force in Mysore, the Government of His Highness the Maharaja of Mysore are pleased to make the following order :—

1. (1) This Order may be called "The Mysore Civil Motor Transport Vehicles Control Order, 1944."

(2) It applies to all motor vehicles of the description given in the first schedule to this order which have been or may hereafter be released for civil use under orders of the Central Government.

(3) It extends to the whole of Mysore.

2. In this Order,—

(*a*) "the Act" means the Mysore Motor Vehicles Act, 1928 (Act XVI of 1928);

(*b*) "controlled motor vehicle" means any motor vehicle to which this Order applies;

(*c*) "dealer" means any dealer notified as such by the Government under clause (3);

(*d*) "sub-dealer" means any person notified as such by the Government under clause (3);

(*e*) "distributor" means in respect of Chevrolet Motor Vehicles, the General Motors, India, Limited and in respect of Ford Motor Vehicles, the Ford Motor Company of India, Limited;

(*f*) "controller" means the officer appointed with this designation by the Governmen;

(*g*) "registering authority" means the authority empowered to register motor vehicles under rule I (*bb*) of the Motor Vehicles Rules issued under the Mysore Motor Vehicles Act;

(*h*) "sale order" means the order in the form set out in the second schedule to this order, issued by the Controller.

3. The Government may by notification declare any person to be a dealer or sub-dealer for the purposes of this order.

4. (1) Save as provided in sub-clauses (2) and (3) no distributor, dealer or sub-dealer shall sell or otherwise dispose of or offer to sell or otherwise dispose of, any controlled motor vehicle.

(2) The Government may by special order require any distributor, dealer, or sub-dealer to sell or otherwise dispose of any controlled motor vehicle in his possession in such manner as may be specified in the order; and the distributor, dealer or sub-dealer, as the case may be, shall comply with such requirement.

(3) Subject to any order made under sub-clause (2) and to such general or special instructions as the Government may from time to time issue for securing a proper distribution, a controlled motor vehicle may be sold or otherwise disposed of—

(*a*) by a distributor to a dealer; or

(*b*) by a dealer to a sub-dealer within the dealer's area of supply;

(*c*) by a dealer or sub-dealer in accordance with a sale order.

(4) No dealer or sub-dealer shall without good and sufficient cause fail to comply with any sale order issued upon him and presented by the person named therein.

(5) No dealer or sub-dealer shall, as a consideration for the sale or disposal by him of a controlled motor vehicle—

(*a*) take, or make allowance for, any other motor vehicle save in accordance with the written orders of the Controller;

(*b*) demand or receive any amount or other consideration in excess of the price specified in the sale order.

(6) No person in possession of a controlled motor vehicle, not being a distributor, dealer or sub-dealer, shall sell or otherwise dispose of, or offer to sell or otherwise dispose of, any controlled motor vehicle save in accordance with the written orders of the Controller.

(7) No person shall purchase or otherwise acquire a controlled motor vehicle save in accordance with the provisions of this order.

(8) No person shall have in his possession or under his control any controlled motor vehicle that has not come into his hands in accordance with the provisions of this order or a similar order for the time being in force in British India or an Indian State.

(9) Save as otherwise provided by an order in writing of the Government, no controlled motor vehicle shall be pledged or offered or accepted as security for any loan or other financial transaction, and no agreement of hire-purchase shall be effected or be effective in relation to any such vehicle.

5. Part I of every sale order shall be retained by the Controller. The entries in Parts II, III and IV shall be appropriately filled in by the Controller, the dealer or sub-dealer and the person in whose favour the order is made. Part II shall be retained by the dealer or sub-dealer as his record of authority for the sale. Parts III and IV shall be delivered by the person in whose favour the order is made to the Registering Authority.

6. (1) Notwithstanding anything to the contrary in the Act or the Rules thereunder the following provisions shall apply in regard to the registration of a controlled motor vehicle.

(2) The applicant for registration shall attach to his application Parts III and IV of the sale order duly filled in.

(3) The Registering Authority shall not register any vehicle which he knows or has reason to believe to be a controlled motor vehicle unless Parts III and IV of the sale order are duly produced before him.

(4) A controlled motor vehicle shall not be registered in the name of any person other than the person named in the sale order.

(5) If the Registering Authority is satisfied that the controlled motor vehicle may properly be registered he shall, subject to the provisions of this order, proceed to register it in accordance with the provisions of the Act, duly completing Parts III and IV of the sale order and shall—

(*a*) firmly attach Part III of the sale order to the Certificate of Registration;

(*b*) endorse the Certificate of Registration with the warning set out in the third schedule to this order; and

(*c*) complete Part IV of the sale order and return it to the authority which issued it.

(6) The figures and letters of the registration mark of a controlled motor vehicle shall be in yellow upon a black ground, and there shall follow, or be placed below, the mark, in letters and figures of two-thirds the size of those in the registration mark, the letter C followed by the serial number of the sale order relating to the vehicle.

7. No person shall transfer or attempt to transfer to any other person any sale order issued in his favour and no person shall obtain or attempt to obtain any controlled motor vehicle save in accordance with a sale order issued in his favour.

8. The registered owner for the time being of any controlled motor vehicle shall comply with any written order of the Controller requiring him—

(*a*) to insure the vehicle against all or any specified risks;

(*b*) to fit a producer gas plant and to operate the vehicle on producer gas.

9. No registered owner of a controlled motor vehicle registered in Mysore shall remove it or cause or allow it to be removed outside Mysore and no driver of such vehicle shall remove the vehicle outside Mysore otherwise than in accordance with the general or specific permission in writing of the Controller.

10. Any person having in his possession or custody or under his control any controlled motor vehicle shall, on being required so to do by an order in writing of the Government or the Controller deliver it in accordance with the order.

11. Every dealer and every sub-dealer shall keep such records, and furnish such returns, in relation to controlled motor vehicles as the Government or the Controller may from time to time by general or special order require.

12. Every dealer and every sub-dealer shall produce for inspection by any person authorised in writing in this behalf by the Controller at any reasonable time any controlled motor vehicle in his possession and any accounts, books, or other records that the Controller may by order in writing specify.

13. If in the opinion of the Government any dealer or sub-dealer has—

(*a*) contravened any of the provisions of this order, or any other Order under the Defence of India Rules as in force in Mysore in respect of any motor spare part or accessory; or

(*b*) made any false declaration or statement in relation to any transaction in respect of controlled motor vehicles or controlled spare parts; or

(*c*) committed a breach of the terms of any contract with the Government relating to the operation or maintenance of transport vehicles; or

(*d*) been declared an insolvent; or

(*e*) otherwise shown himself unfit to continue as a dealer, under the provisions of this order,

the Government may without prejudice to any other action that may be taken against any such dealer or sub-dealer direct the removal of his name from the list of dealers or sub-dealers; whereupon such person shall cease to be a dealer or sub-dealer for the purposes of this order.

14. Any Court trying a contravention of this order may direct that any motor vehicle in respect of which the Court is satisfied that this order has been contravened shall be forfeited to His Highness.

15. The Government may by general or special order exempt any motor vehicle or class of motor vehicles from all or any of the provisions of this order.

By Order,

V. VEDAVYASACHARYA,

Chief Secretary to Government.

FIRST SCHEDULE.

[*See* CLAUSE 1 (2)]

Types of motor vehicles to which this Order applies—

Chevrolet—160 inch and 115 inch wheel—base.

Ford—158 inch, 134 inch, 122 inch and 114 inch wheel—base.

557

...n Civil Motor Transport Vehicles Control Order, 1944.

...LE ORDER PART III

Office of the Controller.

.....

.....Date.....

...bearing the above number and date has ...d by me upon.....

.....

.....

...him/them to sell a controlled motor vehicle ...goods body

...—as follows:—

...

.....Wheel-base.....

.....

.....

...not exceeding Rs.....

...ery charges at sanctioned rates.

.....

Controller.

.....

.....

...No.....Engine No.....

...Wheel-base.. .....inches

...

...goods body Rs.....

...charges by rail / road / sea from...

...Rs.....

Dealer.

...of.....

...that I/we am/are aware of the provisions ...Mysore Civil Motor Transport Vehicles, ...Order, 1944, and in consideration of having ...owed to buy the controlled motor vehicle ...described I/we agree and undertake to abide ...provisions thereof; and further agree and ...that I/we will abide by any direction ...me/us at any time by competent authority ...the fitting and using of a producer gas- ...generally regarding the use of the vehicle ...in Mysore and its insurance; that I/We ...maintain the vehicle in sound mechanical ...or cause it to be so maintained; that I/ ...not cause or suffer it at any time to be ...in excess of the authorised load, or to be ...in excess of the authorised speed; that the ...ment have the right to resume ...ion of the vehicle on breach by me/us of any ...above conditions, or otherwise, at Govern- ...valuation and that I/we will forthwith ...er the vehicle on demand by competent ...ity.

Signed.....

.....Registered Owner(s)

...above declaration has been signed by the ...owner(s) in my presence.

...vehicle has been registered by me as.....

...on.....

.....

Registering Authority.

Mysore Civil Motor Transport Vehicles Control Order, 1944.

SALE ORDER PART IV

Office of the Controller.

.....

No.....Date.....

An order bearing the above number and date has been issued by me upon.....

.....

dealer.....

directing him/them to sell a controlled motor vehicle lorry with goods body / chassis as follows:—

Make.....Wheel-base.....

To.....

.....

for payment not exceeding Rs.....

plus delivery charges at sanctioned rates.

.....

Controller

.....

In accordance with the said order I/we have on .....sold to .....

.....

a lorry with goods body / chassis wheel-base.....

inches.....

Chassis No.....

Engine No.....C. C. / C. F. No.....

for Rs.....

delivery charges by rail / road / sea om..... .....

recovered Rs .....

.....

Dealer.

Date..... .....

The above is a true statement.

.....

Purchaser.

558

...t Vehicles Control Order, 1944.

...LE ORDER PART II Reverse.

...ce with this order

...e on.....

.....sold to.....

.....

.....

...th goods body / chassis wheel base.....

...No.....

...No.....

...No.....

...ery charges by rail / road / sea from.....

.....Rs.....

.....

Dealer.

.....

...ove statements are correct.

.....

Purchaser.

THIRD SCHEDULE.

[See CLAUSE 6 (5) (b)]

Endorsement to be made on Certificates of Registration of Controlled Motor Vehicles.

WARNING.

1. The vehicle herein described is a "controlled motor vehicle" under the provisions of the Mysore Civil Motor Transport Vehicles Control Order, 1944. This Order is made under rule 81 of the Defence of India Rules as in force in Mysore. Contravention of any provision of this order is punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

2. In particular the registered owner for the time being shall not sell or otherwise dispose of the vehicle herein described except in accordance with the written orders of the Controller herein endorsed.

3. The Court trying a contravention of the provisions of the said order may direct that any vehicle in respect of which the Court is satisfied that any such provision has been contravened shall be forfeited to His Highness.

THIRD SCHEDULE.

[*See* CLAUSE 6 (5) (*b*)]

Endorsement to be made on Certificates of Registration of Controlled Motor Vehicles.

WARNING.

1. The vehicle herein described is a "controlled motor vehicle" under the provisions of the Mysore Civil Motor Transport Vehicles Control Order, 1944. This Order is made under rule 81 of the Defence of India Rules as in force in Mysore. Contravention of any provision of this order is punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

2. In particular the registered owner for the time being shall not sell or otherwise dispose of the vehicle herein described except in accordance with the written orders of the Controller herein endorsed.

3. The Court trying a contravention of the provisions of the said order may direct that any vehicle in respect of which the Court is satisfied that any such provision has been contravened shall be forfeited to His Highness.

Printed by the Superintendent at the Government Press, Bangalore.